

**Notice of Allowability**

Application No.

10/663,689

Applicant(s)

LESTIDEAU, FABRICE

Examiner

Sheela C. Chawan

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/17/07.
2. ☒ The allowed claim(s) is/are 1-6, 12-14 and 17-19, Renumbered as 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892) 11/17/07, 6/27/07
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 10/27/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***DETAILED ACTION***

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

**IN THE CLAIMS:**

Claim 1, line 11 insert ".".

***Response to Amendment***

2. Applicant's amendment filed on 10/17/07 has been entered.
- Claims 7-11, 15-16, and 20-21 are cancel.
- Claims 1-6, 12-14 and 17-19 are pending in the application.

***Response to Arguments***

3. Applicant's arguments see page 2, last paragraph and page 3 first paragraph of the remarks filed on 10/17/07, with respect to rejection of claims 1-6, 12-14, 17-19 under 103(a) has been fully considered and are persuasive. In response to applicant's amendment all the prior art rejection has been withdrawn and claims 1-6, 12-14 and 17-19 are allowed.

***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 10/27/03 the information disclosure statement has being considered by the examiner.

***Drawings***

5. The Examiner has approved drawings filed on 9/17/03.

***Reasons For Allowance***

6. The following is an examiner's statement of reasons for allowance:
- Claims 1-6, 12-14 and 17-19 are allowed and renumbered as 1-12.

As pointed out by the applicant's remark,( see page 2, last paragraph and page 3 first paragraph of the remarks filed on 10/17/07, with respect to rejection of claims 1-6,12-14, 17-19 filed on 10/17/07 have been fully considered and as a result amended

claims 1, 12, and 17 are now indicated allowable. The prior art of record "Spatiotemporal Analysis of Face Profiles: detection, segmentation and registration" by Daruish et al., technique describes that the extracted contour is then segmented, or partitioned, into different domains (see paragraph 4) taking into account spatiotemporal knowledge (see paragraphs 1.3 and 4). In other words, the spatiotemporal processing of that document does not take place until after the contours (or "segments") have been extracted by contrast, in Daruish, it appears as though the images are segmented and then spatiotemporal analysis is performed on the segments. The segments are therefore not necessarily spatiotemporal segments, as claimed. Daruish fails to teach, b). the feature of spatiotemporally segmenting a video sequence to provide a sequence of associated two-dimensional segments, a first two-dimensional segment in the sequence of associated two-dimensional segments including facial features for tracking; c) identifying candidate facial features in second two-dimensional segment in a second frame of said video sequence, said second two-dimensional segment being one of said sequence of associated two-dimensional segments, as commonly included in each of the independent claims 1, 12 and 17, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious. Claims 1-6, 12-14 and 17-19 have been withdrawn from the rejection and are allowed.

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7. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.


***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan  
Patent Examiner  
Group Art Unit 2624  
Dec 29, 2007

  
SHEELA CHAWAN  
PRIMARY EXAMINER